

STATE OF OREGON

COUNTY OF UMATILLA

ORDER APPROVING A CHANGE IN PLACE OF USE
AND PARTIAL CANCELLATION OF A WATER RIGHT

Pursuant to ORS 540.510 to 540.530, after notice was given and no objections were filed, and finding that no injury to existing water rights would result, this order approves, as conditioned or limited herein, TRANSFER 8626 submitted by

CITY OF MILTON-FREEWATER
P.O. BOX 6
MILTON-FREEWATER, OREGON 97862.

The FIRST right to be modified was confirmed by Decree of the Circuit Court of the State of Oregon for UMATILLA County as evidenced by Certificate 13030. The decree is recorded in the Order Record of the Water Resources Director in Volume 12, at Page 9. The date of priority is 1885.

The right allows the use of the WALLA WALLA RIVER, a tributary of the COLUMBIA RIVER, for IRRIGATION OF 3.96 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed ONE AND ONE-HALF MINER'S INCHES PER ACRE, if available at the authorized point of diversion: MILTON DITCH - SW¼ NW¼, SECTION 18, T 5 N, R 36 E, W.M., or its equivalent in case of rotation, measured at the point of diversion from the source.

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2).

Pursuant to ORS 536.075 and OAR 137-004-080 and OAR 690-01-005, you may either petition for judicial review or petition the Director for reconsideration of this order.

The authorized place of use is located as follows:

SW¼ NW¼ 3.96 ACRES
SECTION 2

TOWNSHIP 5 NORTH, RANGE 35 EAST, W.M.

The right to use water for the above purpose is restricted to beneficial use on the lands or place of use described and is subject to all other conditions and limitations contained in the decree.

The SECOND right to be modified was confirmed by Decree of the Circuit Court of the State of Oregon for UMATILLA County as evidenced by a PORTION of Certificate 13052. The decree is recorded in the Order Record of the Water Resources Director in Volume 12, at Page 9. The date of priority is 1880.

The right allows the use of WALLA WALLA RIVER, a tributary of COLUMBIA RIVER, for IRRIGATION OF 2.41 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed ONE AND ONE-HALF MINER'S INCHES PER ACRE, if available at the authorized point of diversion: MILTON DITCH - SW¼ NW¼, SECTION 18, T 5 N, R 36 E, W.M., or its equivalent in case of rotation, measured at the point of diversion from the source.

The authorized place of use is located as follows:

SE¼ SE¼ 2.41 ACRES
SECTION 2

TOWNSHIP 5 NORTH, RANGE 35 EAST, W.M.

The right to use water for the above purpose is restricted to beneficial use on the lands or place of use described and is subject to all other conditions and limitations contained in the decree.

The THIRD right to be modified was confirmed by Decree of the Circuit Court of the State of Oregon for UMATILLA County as evidenced by Certificate 13041. The decree is recorded in the Order Record of the Water Resources Director in Volume 12, at Page 9. The date of priority is 1875.

The right allows the use of WALLA WALLA RIVER, a tributary of COLUMBIA RIVER, for IRRIGATION OF 8.98 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed ONE AND ONE-HALF MINER'S INCHES PER ACRE, if available at the authorized point of diversion: MILTON DITCH - SW $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 18, T 5 N, R 36 E, W.M., or its equivalent in case of rotation, measured at the point of diversion from the source.

The authorized place of use is located as follows:

SE $\frac{1}{4}$ SE $\frac{1}{4}$ 1.08 ACRES
SECTION 2

NE $\frac{1}{4}$ NE $\frac{1}{4}$ 7.90 ACRES
SECTION 11

TOWNSHIP 5 NORTH, RANGE 35 EAST, W.M.

The right to use water for the above purpose is restricted to beneficial use on the lands or place of use described and is subject to all other conditions and limitations contained in the decree.

The applicant proposes to change the places of use to:

CERTIFICATE 13030

SE $\frac{1}{4}$ NE $\frac{1}{4}$ 3.96 ACRES
SECTION 3

TOWNSHIP 5 NORTH, RANGE 35 EAST, W.M.

CERTIFICATE 13052

SE $\frac{1}{4}$ NE $\frac{1}{4}$ 2.41 ACRES
SECTION 3

TOWNSHIP 5 NORTH, RANGE 35 EAST, W.M.

CERTIFICATE 13041

SW $\frac{1}{4}$ SE $\frac{1}{4}$ 8.50 ACRES
SECTION 2

SE $\frac{1}{4}$ NE $\frac{1}{4}$ 0.48 ACRE
SECTION 3

TOWNSHIP 5 NORTH, RANGE 35 EAST, W.M.

An affidavit was received from City of Milton-Freewater, owner of certain land and the water right appurtenant to it. A portion of a water right has been abandoned and is requested to be canceled.

The portion is described by Certificate 13030, State Record of Water Right Certificates. The date of priority is 1885. The right includes the right to the use of water from the Walla Walla River, tributary to the Columbia River, for domestic, stock, and irrigation of 0.28 acre. The amount of water is limited to one and one-half miner's inch per acre.

The abandoned portion is located as follows:

SW $\frac{1}{4}$ NW $\frac{1}{4}$ 0.28 ACRES, STOCK & DOMESTIC
SECTION 2

TOWNSHIP 5 NORTH, RANGE 35 EAST, W.M.

ORS 540.621 provides: "Whenever the owner of a perfected and developed water right certifies under oath to the Water Resources Commission that the water right has been abandoned by the owner and that the owner desires cancellation thereof, the commission shall enter an order canceling the water right."

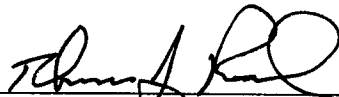
THIS CHANGE TO EXISTING WATER RIGHTS MAY BE MADE PROVIDED THE FOLLOWING CONDITIONS ARE MET BY THE WATER USER:

1. The proposed change shall be completed on or before October 1, 2005.
2. The former places of use shall no longer be irrigated as a part of these water rights.

The portion of the water right evidenced by Certificate 13030 requested to be canceled is canceled.

Certificates 13030, 13041, and 13052 are canceled. New certificates will be issued to confirm those portions of the rights NOT involved in this transfer. When satisfactory proof of the completed changes are received, new certificates confirming these water rights will be issued.

WITNESS the signature of the Water Resources
Director, affixed DECEMBER 22, 2003.



Paul R. Cleary, Director